

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

**WILLIAM GREGORY MILLER**  
195 Collingwood Street, No. 4  
San Francisco, CA 94114

Respondent.

Case No. X-51

OAH No.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 20, 2002.

It is so ORDERED August 20, 2002.

*P Harmell, PhD*

\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
PAMELA HARMELL, PH.D., PRESIDENT

1 BILL LOCKYER, Attorney General  
of the State of California  
2 TAYLOR SCHNEIDER, State Bar No. 91232  
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3 California Department of Justice  
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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 **WILLIAM GREGORY MILLER**  
195 Collingwood Street, No. 4  
14 San Francisco, CA 94114

15 Respondent.

Case No. X-51

OAH No.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 In the interest of a prompt and speedy settlement of this matter, consistent with  
18 the public interest and the responsibility of the Board of Psychology of the Department of  
19 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and  
20 Disciplinary Order which will be submitted to the Board for approval and adoption as the final  
21 disposition of the Statement of Issues.

22 **PARTIES**

23 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board  
24 of Psychology. He brought this action solely in his official capacity and is represented in this  
25 matter by Bill Lockyer, Attorney General of the State of California, by Taylor Schneider, Deputy  
26 Attorney General.

27 2. William Gregory Miller (Respondent) is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 27, 2001, Respondent submitted an application for

1 registration as a Psychological Assistant to the Board of Psychology. The application was denied  
2 on or about January 22, 2002.

### 3 JURISDICTION

4 4. Statement of Issues No. X-51 was filed before the Board of Psychology  
5 (Board), Department of Consumer Affairs,, and is currently pending against Respondent. The  
6 Statement of Issues and all other statutorily required documents were properly served on  
7 Respondent on May 24, 2002. Respondent timely filed his Notice of Defense contesting the  
8 Statement of Issues. A copy of Statement of Issues No. X-51 is attached as Exhibit A and  
9 incorporated herein by reference.

### 10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and  
12 allegations in Statement of Issues No. X-51. Respondent has also carefully read, and  
13 understands the effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the Statement of Issues; the right to be  
16 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
17 against him; the right to present evidence and to testify on his own behalf; the right to the  
18 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
19 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
20 by the California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

### 23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in  
25 Statement of Issues No. X-51.

26 9. Respondent agrees that his application is subject to denial and he agrees  
27 to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

### 28 CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Psychology.

1 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
2 Psychology may communicate directly with the Board regarding this stipulation and settlement,  
3 without notice to or participation by Respondent. By signing the stipulation, Respondent  
4 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
5 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
6 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force  
7 or effect, except for this paragraph, it shall be inadmissible in any legal action between the  
8 parties, and the Board shall not be disqualified from further action by having considered this  
9 matter.

10 11. The parties understand and agree that facsimile copies of this Stipulated  
11 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
12 force and effect as the originals.

13 12. In consideration of the foregoing admissions and stipulations, the parties  
14 agree that the Board may, without further notice or formal proceeding, issue and enter the  
15 following Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Respondent William Gregory Miller's  
18 registration as a psychological assistant will be issued and automatically revoked. The  
19 revocation will be stayed and the Respondent placed on five (5) years probation on the following  
20 terms and conditions.

21 1. **PRACTICE MONITOR** Within 90 days of Respondent's ceasing to work  
22 in a supervised environment (for example, becoming licensed to practice or otherwise  
23 terminating practice as a psychologist's assistant and beginning to practice without supervision),  
24 Respondent shall submit to the Board or its designee for prior approval, the name and  
25 qualifications of a psychologist who has agreed to serve as a practice monitor/billing monitor.  
26 The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2)  
27 have no prior business, professional, personal or other relationship with respondent; and 3) not be  
28 the same person as respondent's therapist. The monitor's education and experience shall be in  
the same field of practice as that of the respondent.

1           Once approved, the monitor shall submit to the Board or its designee a plan by  
2       which Respondent's practice shall be monitored. Monitoring shall consist of a least one hour per  
3       week of individual face to face meetings and shall continue during the entire probationary period.  
4       The Respondent shall provide the monitor with a copy of this Decision and access to  
5       respondent's fiscal and/or patient records. Respondent shall obtain any necessary patient releases  
6       to enable the monitor to review records and to make direct contact with patients. Respondent  
7       shall execute a release authorizing the monitor to divulge any information that the Board may  
8       request. It shall be Respondent's responsibility to assure that the monitor submits written reports  
9       to the Board or its designee on a quarterly basis verifying that monitoring has taken place and  
10      providing an evaluation of Respondent's performance.

11           Respondent shall notify all current and potential patients of any term or condition  
12      of probation which will affect their therapy or the confidentiality of their records (such as this  
13      condition which requires a practice monitor/billing monitor). Such notifications shall be signed  
14      by each patient prior to continuing or commencing treatment.

15           If the monitor quits or is otherwise no longer available, Respondent shall obtain  
16      approval from the Board for a new monitor within 30 days. If no new monitor is approved within  
17      30 days, Respondent shall not practice until a new monitor has been approved by the Board or its  
18      designee. During this period of non-practice, probation will be tolled and any period of non-  
19      practice shall not apply to the reduction of this probationary period. Respondent shall pay all  
20      costs associated with this monitoring requirement. Failure to pay these costs shall be considered  
21      a violation of probation.

22           2.     NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS.

23      Respondent shall notify all present or future employers of the reason for and terms and  
24      conditions of the probation by providing a copy of the Statement of Issues and the decision and  
25      order (stipulated settlement) to the employer. Respondent shall obtain written confirmation from  
26      the employer that the documents were received. If Respondent changes employment or obtains  
27      additional employment, Respondent shall provide the above notification to the employer and  
28      submit written employer confirmation to the Board within 10 days. The notification(s) shall  
    include the name, address and telephone number of the employer and, if different, the name,

1 address and telephone number of the work location.

2 3. COURSE WORK Respondent shall take and successfully complete not  
3 less than 12 hours of course work each year of probation in the area of clinical issues arising in  
4 the treatment of patients. Coursework must be preapproved by the Board or its designee. All  
5 course work shall be taken at the graduate level at an accredited educational institution or by an  
6 approved continuing education provider. Classroom attendance is specifically required;  
7 correspondence or home study course work shall not count toward meeting this requirement.  
8 The course work must be in addition to any continuing education courses that may be required  
9 for license or any license renewal.

10 Within 90 days of the effective date of this Decision, respondent shall submit to  
11 the Board or its designee for its prior approval a plan for meeting the educational requirements.  
12 All costs of the course work shall be paid by the Respondent.

13 4. ETHICS COURSE Within 90 days of the effective date of this Decision,  
14 respondent shall submit to the Board or its designee for prior approval a course in laws and ethics  
15 as they relate to the practice of psychology. Said course must be successfully completed at an  
16 accredited educational institution or through a provider approved by the Board's accreditation  
17 agency for continuing education credit. Said course must be taken and completed within one  
18 year from the effective date of this Decision. The cost associated with the law and ethics course  
19 shall be paid by the Respondent.

20 5. PROBATION COSTS Respondent shall pay the costs associated with  
21 probation monitoring each and every year of probation. Such costs shall be payable to the Board  
22 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be  
23 considered a violation of probation.

24 The filing of bankruptcy by respondent shall not relieve respondent of the  
25 responsibility to repay investigation and enforcement costs

26 6. OBEY ALL LAWS Respondent shall obey all federal, state, and local  
27 laws and all regulations governing the practice of psychology in California including the ethical  
28 guidelines of the American Psychological Association. A full and detailed account of any and all  
violations of law shall be reported by the respondent to the Board or its designee in writing

1 within seventy-two (72) hours of occurrence.

2 7. QUARTERLY REPORTS Respondent shall submit quarterly  
3 declarations under penalty of perjury on forms provided by the Board or its designee, stating  
4 whether there has been compliance with all the conditions of probation.

5 8. PROBATION COMPLIANCE Respondent shall comply with the  
6 Board's probation program and shall, upon reasonable notice, report to the assigned District  
7 Office of the Medical Board of California or other designated probation monitor. Respondent  
8 shall contact the assigned probation officer regarding any questions specific to the probation  
9 order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants  
10 associated with the case; 2) Board members or members of its staff; or 3) persons serving the  
11 Board as expert evaluators.

12 9. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall  
13 appear in person for interviews with the Board or its designee upon request at various intervals  
14 and with reasonable notice.

15 10. CHANGES OF EMPLOYMENT Respondent shall notify the Board in  
16 writing, through the assigned probation officer, of any and all changes of employment, location,  
17 and address within 30 days of such change.

18 11. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-  
19 STATE NON-PRACTICE In the event Respondent should leave California to reside or to  
20 practice outside the State or for any reason should respondent stop practicing psychology in  
21 California, respondent shall notify the Board or its designee in writing within ten days of the  
22 dates of departure and return or the dates of non-practice within California. Non-practice is  
23 defined as any period of time exceeding thirty days in which respondent is not engaging in any  
24 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of  
25 temporary or permanent residency or practice outside California or of non-practice within  
26 California will not apply to the reduction of this probationary period., although the Board may  
27 allow respondent to complete certain terms of probation that are not associated with active  
28 practice.

12. EMPLOYMENT AND SUPERVISION OF TRAINEES If Respondent

1 is licensed as a psychologist, he/she shall not employ or supervise or apply to employ or  
2 supervise psychological assistants, interns or trainees during the course of this probation. Any  
3 such supervisorial relationship in existence on the effective date of this probation shall be  
4 terminated by respondent and/or the Board.

5 13. FUTURE REGISTRATION OR LICENSURE If respondent is currently  
6 registered as a psychological assistant and subsequently obtains other psychological assistant  
7 registrations or becomes licensed as a psychologist during the course of this probationary order,  
8 respondent agrees that this Decision shall remain in full force and effect until the probationary  
9 period is successfully terminated. Future registration or licensure shall not be approved,  
10 however, until respondent is currently in compliance with all of the terms and conditions of  
11 probation.

12 14. VIOLATION OF PROBATION If respondent violates probation in any  
13 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke  
14 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to  
15 Revoke Probation is filed against respondent during probation, the Board shall have continuing  
16 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
17 is final. No Petition for Modification or Termination of Probation shall be considered while  
18 there is an Accusation or Petition to Revoke Probation pending against respondent.

19 15. COMPLETION OF PROBATION Upon successful completion of  
20 probation, respondent's registration to practice as a psychological assistant shall be fully  
21 restored.

### 22 ACCEPTANCE

23 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
24 understand the stipulation and the effect it will have on my registration. I enter into this  
25 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
26

27 //

28 //



1 to be bound by the Decision and Order of the Board of Psychology.

2 DATED: 6/10/02.

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WILLIAM GREGORY MILLER  
Respondent

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10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

12 DATED: June 11, 2002.

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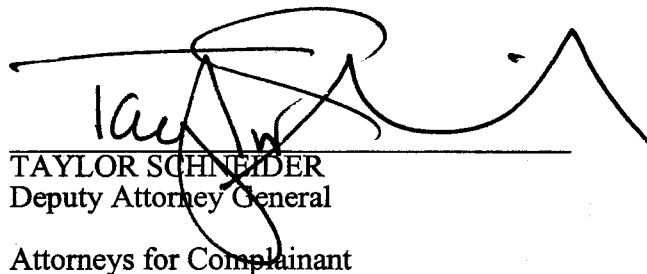
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BILL LOCKYER, Attorney General  
of the State of California

  
TAYLOR SCHNEIDER  
Deputy Attorney General  
Attorneys for Complainant

DOJ Docket Number: 03598160-LA02 1068  
Stipulation 8/31/01

**Exhibit A**  
**Statement of Issues No. X-51**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RICHARD AVILA, State Bar No. 91214  
Deputy Attorney General  
3 For TAYLOR SCHNEIDER,  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 WILLIAM G. MILLER, Psy.D.  
195 Collingwood Street, No. 4  
San Francisco, CA 94114

14 Respondent.

Case No. X - 51

**STATEMENT OF ISSUES**

15  
16 Complainant alleges:

17 PARTIES

18 1. Thomas S. O'Connor (Complainant) brings this statement of issues solely  
19 in his official capacity as the Executive Officer of the Board of Psychology, Department of  
20 Consumer Affairs.

21 2. On or about August 27, 2001, WILLIAM G. MILLER, Psy.D.  
22 (Respondent) submitted an application for Registration as a Psychological Assistant to the Board  
23 of Psychology. The application was denied on or about January 22, 2002. On or about February  
24 5, 2002, the Board of Psychology received Respondent's written request for a hearing.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Psychology  
27 (Board), under the authority of the following sections of the Business and Professions Code  
28 (Code).

FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO  
BY *M. J. Jackson* ANALYST  
May 24 2002

1                   4.     Section 2913 of the Code states:

2                   A person other than a licensed psychologist may be employed by a licensed  
3 psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the  
4 American Board of Psychiatry and Neurology, by a clinic which provides mental health services  
5 under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological  
6 corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and  
7 Safety Code, or by a medical corporation to perform limited psychological functions provided  
8 that all of the following apply:

9                   (a) The person is termed a "psychological assistant."

10                  (b) The person (1) has completed a master's degree in psychology or  
11 education with the field of specialization in psychology or counseling psychology,  
12 or (2) has been admitted to candidacy for a doctoral degree in psychology or  
13 education with the field of specialization in psychology or counseling psychology,  
14 after having satisfactorily completed three or more years of postgraduate  
15 education in psychology and having passed preliminary doctoral examinations, or  
16 (3) has completed a doctoral degree which qualifies for licensure under Section  
17 2914, in an accredited or approved university, college, or professional school  
18 located in the United States or Canada.

19                  (c) The person is at all times under the immediate supervision, as defined  
20 in regulations adopted by the committee, of a licensed psychologist, or board  
21 certified psychiatrist, who shall be responsible for insuring that the extent, kind,  
22 and quality of the psychological services he or she performs are consistent with  
23 his or her training and experience and be responsible for his or her compliance  
24 with the provisions of this chapter and regulations duly adopted hereunder,  
25 including those provisions set forth in Section 2960.

26                  (d) The licensed psychologist, board certified psychiatrist, contract clinic,  
27 psychological corporation, or medical corporation, has registered the  
28 psychological assistant with the committee. The registration shall be renewed

1 annually in accordance with regulations adopted by the committee. No licensed  
2 psychologist may register, employ, or supervise more than three psychological  
3 assistants at any given time unless specifically authorized to do so by the  
4 committee. No board certified psychiatrist may register, employ, or supervise  
5 more than one psychological assistant at any given time. No contract clinic,  
6 psychological corporation, or medical corporation may employ more than 10 such  
7 assistants at any one time. No contract clinic may register, employ, or provide  
8 supervision for more than one psychological assistant for each designated  
9 full-time staff psychiatrist who is qualified and supervises the psychological  
10 assistants. No psychological assistant may provide psychological services to the  
11 public for a fee, monetary or otherwise, except as an employee of a licensed  
12 psychologist, licensed physician, contract clinic, psychological corporation, or  
13 medical corporation.

14 (e) The psychological assistant shall comply with regulations that the  
15 committee may, from time to time, duly adopt relating to the fulfillment of  
16 requirements in continuing education.

17 (f) No person shall practice as a psychological assistant who is found by  
18 the committee to be in violation of the provisions of Section 2960 and the rules  
19 and regulations duly adopted thereunder.

20 5. Section 2914 of the Code states:

21 Each applicant for licensure shall comply with the following requirements:

22 (a) Is not subject to denial of licensure under Division 1.5.

23 (b) Possess an earned doctorate degree (1) in psychology, (2) in education  
24 psychology, (3) in education with the field of specialization in counseling psychology or  
25 educational psychology, or (4) possess an earned doctorate degree deemed equivalent by  
26 the committee in regulations duly adopted under this chapter. This degree or training  
27 shall be obtained from an accredited or approved university, college, professional school,  
28 or any other educational institution approved by the committee as offering a comparable

1 program in regulations duly adopted under this chapter. No educational institution shall  
2 be denied recognition as an accredited or approved academic institution solely because its  
3 program is not accredited by any professional organization of psychologists, and nothing  
4 in this chapter or in the administration of this chapter shall require the registration with  
5 the committee by educational institutions of their departments of psychology or their  
6 doctoral programs in psychology.

7 (c) Have engaged for at least two years in supervised professional experience  
8 under the direction of a licensed psychologist, the specific requirements of which shall be  
9 defined by the board in its regulations, or under suitable alternative supervision as  
10 determined by the board in regulations duly adopted under this chapter, at least one year  
11 of which shall be after being awarded the doctorate in psychology. If the supervising  
12 licensed psychologist fails to provide verification to the board of the experience required  
13 by this subdivision within 30 days after being so requested by the applicant, the applicant  
14 may provide written verification directly to the board. If the applicant sends verification  
15 directly to the board, the applicant shall file with the board a declaration of proof of  
16 service, under penalty of perjury, of the request for verification. A copy of the completed  
17 verification forms shall be provided to the supervising psychologist and the applicant  
18 shall prove to the board that a copy has been sent to the supervising psychologist by filing  
19 a declaration of proof of service under penalty of perjury, and shall file this declaration  
20 with the board when the verification forms are submitted. Upon receipt by the board of  
21 the applicant's verification and declarations, a rebuttable presumption affecting the  
22 burden of producing evidence is created that the supervised, professional experience  
23 requirements of this subdivision have been satisfied. The supervising psychologist shall  
24 have 20 days from the day the board receives the verification and declaration to file a  
25 rebuttal with the committee. The authority provided by this subdivision for an applicant  
26 to file written verification directly shall apply only to an applicant who has acquired the  
27 experience required by this subdivision in the United States. The board shall establish  
28 qualifications by regulation for supervising psychologists and shall review and approve

1 applicants for this position on a case-by-case basis.

2 (d) Take and pass the examination required by Section 2941 unless otherwise  
3 exempted by the board under the provisions of this chapter.

4 (e) Show by evidence satisfactory to the board that he or she has completed  
5 training in the detection and treatment of alcohol and other chemical substance  
6 dependency. This requirement applies only to applicants who matriculate on or after  
7 September 1, 1985.

8 (f) Show by evidence satisfactory to the board that he or she has completed  
9 coursework, in spousal or partner abuse assessment, detection, and intervention.  
10 Coursework required under this subdivision may be satisfactory if taken either in  
11 fulfillment of other educational requirements for licensure or in a separate course. This  
12 requirement applies to applicants who begin graduate training on or after January 1, 1995.  
13 This requirement for coursework in spousal or partner abuse detection and treatment shall  
14 be satisfied by, and the board shall accept in satisfaction of the requirement, a  
15 certification from the chief academic officer of the educational institution from which the  
16 applicant graduated that the required coursework is included with the institution's  
17 required curriculum for graduation.

18 6. Section 2960 of the Code states:

19 The board may refuse to issue any registration or license, or may issue a  
20 registration or license with terms and conditions, or may suspend or revoke the  
21 registration or license of any registrant or licensee if the applicant, registrant, or licensee  
22 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not  
23 be limited to:

24 (a) Conviction of a crime substantially related to the qualifications, functions or  
25 duties of a psychologist or psychological assistant.

26 (b) Use of any controlled substance as defined in Division 10 (commencing with  
27 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic  
28 beverage to an extent or in a manner dangerous to himself or herself, any other person, or

1 the public, or to an extent that this use impairs his or her ability to perform the work of a  
2 psychologist with safety to the public.

3 (c) Fraudulently or neglectfully misrepresenting the type or status of license or  
4 registration actually held.

5 (d) Impersonating another person holding a psychology license or allowing  
6 another person to use his or her license or registration.

7 (e) Using fraud or deception in applying for a license or registration or in passing  
8 the examination provided for in this chapter.

9 (f) Paying, or offering to pay, accepting, or soliciting any consideration,  
10 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

11 (g) Violating Section 17500.

12 (h) Willful, unauthorized communication of information received in professional  
13 confidence.

14 (i) Violating any rule of professional conduct promulgated by the board and set  
15 forth in regulations duly adopted under this chapter.

16 (j) Being grossly negligent in the practice of his or her profession.

17 (k) Violating any of the provisions of this chapter or regulations duly adopted  
18 thereunder.

19 (l) The aiding or abetting of any person to engage in the unlawful practice of  
20 psychology.

21 (m) The suspension, revocation or imposition of probationary conditions by  
22 another state or country of a license or certificate to practice psychology or as a  
23 psychological assistant issued by that state or country to a person also holding a license or  
24 registration issued under this chapter if the act for which the disciplinary action was taken  
25 constitutes a violation of this section.

26 (n) The commission of any dishonest, corrupt, or fraudulent act.

27 (o) Any act of sexual abuse, or sexual relations with a patient or former patient  
28 within two years following termination of therapy, or sexual misconduct that is



1 substantially related to the qualifications, functions or duties of a psychologist or  
2 psychological assistant or registered psychologist.

3 (p) Functioning outside of his or her particular field or fields of competence as  
4 established by his or her education, training, and experience.

5 (q) Willful failure to submit, on behalf of an applicant for licensure, verification  
6 of supervised experience to the board.

7 (r) Repeated acts of negligence.

8 7. Section 2960.6 of the Code states, in pertinent part, as follows:

9 The board may deny any application for, or may suspend or revoke a license or  
10 registration issued under this chapter for, any of the following:

11 (b) The revocation, suspension, or other disciplinary action by any board  
12 established in this division, or the equivalent action of another state's or country's  
13 licensing agency, of the license of a healing arts practitioner shall constitute grounds for  
14 disciplinary action against that licensee or registrant under this chapter. The grounds for  
15 the action shall be substantially related to the qualifications, functions, or duties of a  
16 psychologist or psychological assistant. A certified copy of the decision or judgment  
17 shall be conclusive evidence of that action.

18 8. Section 125.3 of the Code states, in pertinent part, that the Board may  
19 request the administrative law judge to direct a licentiate found to have committed a violation or  
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
21 and enforcement of the case.

22 9. Section 2964.6 of the Code states:

23 An administrative disciplinary decision that imposes terms of probation may  
24 include, among other things, a requirement that the licensee who is being placed on probation  
25 pay the monetary costs associated with monitoring the probation.

26 10. Section 475 of the Code states:

27 (a) Notwithstanding any other provisions of this code, the provisions of this  
28 division shall govern the denial of licenses on the grounds of:

1 (1) Knowingly making a false statement of material fact, or knowingly omitting  
2 to state a material fact, in an application for a license.

3 (2) Conviction of a crime.

4 (3) Commission of any act involving dishonesty, fraud or deceit with the intent to  
5 substantially benefit himself or another, or substantially injure another.

6 (4) Commission of any act which, if done by a licensee of the business or  
7 profession in question, would be grounds for suspension or revocation of license.

8 (b) Notwithstanding any other provisions of this code, the provisions of this  
9 division shall govern the suspension and revocation of licenses on grounds specified in  
10 paragraphs (1) and (2) of subdivision (a) .

11 (c) A license shall not be denied, suspended, or revoked on the grounds of a lack  
12 of good moral character or any similar ground relating to an applicant's character,  
13 reputation, personality, or habits.

14 11. Section 477 of the Code states:

15 As used in this division:

16 (a) "Board" includes "bureau," "commission," "committee," "department,"  
17 "division," "examining committee," "program," and "agency."

18 (b) "License" includes certificate, registration or other means to engage in a  
19 business or profession regulated by this code.

20 12. Section 480 of the Code states:

21 (a) A board may deny a license regulated by this code on the grounds that the  
22 applicant has one of the following:

23 (1) Been convicted of a crime. A conviction within the meaning of this section  
24 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
25 which a board is permitted to take following the establishment of a conviction may be taken  
26 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
27 or when an order granting probation is made suspending the imposition of sentence, irrespective  
28 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

1 (2) Done any act involving dishonesty, fraud or deceit with the intent to  
2 substantially benefit himself or another, or substantially injure another; or

3 (3) Done any act which if done by a licentiate of the business or profession in  
4 question, would be grounds for suspension or revocation of license.

5 The board may deny a license pursuant to this subdivision only if the crime or act  
6 is substantially related to the qualifications, functions or duties of the business or profession for  
7 which application is made.

8 (b) Notwithstanding any other provision of this code, no person shall be denied a  
9 license solely on the basis that he has been convicted of a felony if he has obtained a certificate  
10 of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been  
11 convicted of a misdemeanor if he has met all applicable requirements of the criteria of  
12 rehabilitation developed by the board to evaluate the rehabilitation of a person when considering  
13 the denial of a license under subdivision (a) of Section 482.

14 (c) A board may deny a license regulated by this code on the ground that the  
15 applicant knowingly made a false statement of fact required to be revealed in the application for  
16 such license.

17 13. Section 22 of the Code states:

18 (a) 'Board' as used in any provisions of this Code, refers to the board in which  
19 the administration of the provision is vested, and unless otherwise expressly provided,  
20 shall include 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining  
21 committee,' 'program,' and 'agency.'

22 (b) Whenever the regulatory program of a board that is subject to review by the  
23 Joint Legislative Sunset Review Committee . . . is taken over by the [Department of  
24 Consumer Affairs], that the program shall be designated as a 'bureau.'

25 FIRST CAUSE FOR DENIAL OF APPLICATION

26 (Revocation of Dentist License)

27 14. Respondent's application is subject to denial under section 2960.6,  
28 subdivision (b) of the Code, in that respondent, while acting as a licensed dentist, engaged in acts

1 and omissions in the care and treatment of a patient which constituted an extreme departure from  
2 the standard of practice, resulting in the revocation of his license to practice dentistry. The  
3 circumstances are as follows:

4           A.     On or about February 4, 1991, respondent's license to practice  
5 dentistry was revoked for gross negligence (i.e., failure to adhere to rules necessary to  
6 perform surgical procedures within the standard of practice) in the application of  
7 sedation, resulting in the death of a patient on or about September 9, 1986.

8                   SECOND CAUSE FOR DENIAL OF APPLICATION

9                           (Conviction of a Crime)

10           15.     Respondent's application is subject to denial under section 2960,  
11 subdivision (a) of the Code, in that respondent, while acting as a licensed dentist, engaged in acts  
12 and omissions in the care and treatment of a patient which constituted an extreme departure from  
13 the standard of practice, resulting in the patient's death and respondent's criminal conviction.

14 The circumstances are as follows:

15           A.     The facts and circumstances stated at above numbered paragraph  
16 14 are incorporated by reference herein as if fully set forth.

17           B.     On or about February 23, 2000, in the Superior Court of Los  
18 Angeles County, respondent was convicted of violating section 192(B) of the Penal Code,  
19 involuntary manslaughter, and was sentenced to a period of probation of four years, based  
20 upon the circumstances attendant to the patient death described at above numbered  
21 paragraph 14.

22           C.     Respondent's criminal conviction is substantially related to the  
23 qualifications, functions, or duties of a psychological assistant, in that it demonstrates a  
24 failure to diligently observe the standards necessary to the competent and safe practice of  
25 a healing arts profession.

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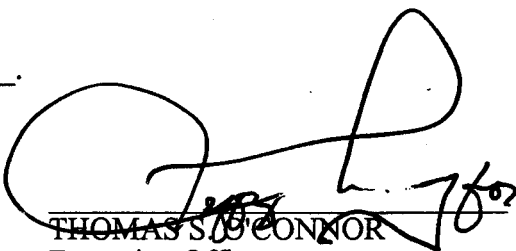
1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Psychology issue a decision:

4 1. Denying the application of WILLIAM G. MILLER, Psy.D. for a  
5 Psychological Assistant Registration;

6 2. Taking such other and further action as deemed necessary and proper.  
7

8 DATED: May 24, 2002.

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10   
11 THOMAS S. O'CONNOR  
12 Executive Officer  
13 Board of Psychology  
14 Department of Consumer Affairs  
15 State of California  
16 Complainant  
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statement of issues.wpt 4/22/02